

SENATOR BROMM: Thank you, Mr. Speaker. And I apologize for not stopping talking last time, I didn't hear you call time.

SPEAKER WITHEM: I was not loud enough, I realize that.

SENATOR BROMM: That's fine. I...Senator Matzke, I'm going to have to ask you another question or two here, appreciate your...

SPEAKER WITHEM: Senator Matzke.

SENATOR BROMM: Senator Matzke, I think the impetus for many people on this is the Baby Jessica case, which has been referred to a couple of times by speakers and I don't want to retrod ground. But I guess my understanding, limited understanding of that case is that the mother did not represent who the father was accurately, or gave misinformation, is that correct?

SENATOR MATZKE: You're correct, the mother in that case actually lied. She designated a man who was not the father.

SENATOR BROMM: Now let's apply that example to LB 712. Let's say that we have a mother that lies about who the father is, what is the result, what is the...what are the possibilities of results under this bill?

SENATOR MATZKE: Well, there's really two responses to that. First of all, that's the reason for requiring the affidavit, so it permits the agency or the attorney to advise the mother that this is a very serious matter, that you are signing a statement under oath as to the designation of the identity of the father. There's nothing in our law that permits that or requires that now, it puts a special emphasis and weight on trying to get the truth to begin with. Hopefully that would be beneficial in that instance. Of course there is no law that we can pass that will say that someone has to be truthful. It would be nice if we could pass a law that said that everybody that says anything has to be truthful, people can lie. However, the second saving procedure would be under Section 15, if the court finds that there has been due diligence, the order has a degree of finality that isn't possible under our present law, and at the expiration of three months that adoption decree cannot be challenged, even on the grounds of fraud or misrepresentation. So hopefully this would prevent a Baby Jessica case even where there was falsehood.